

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

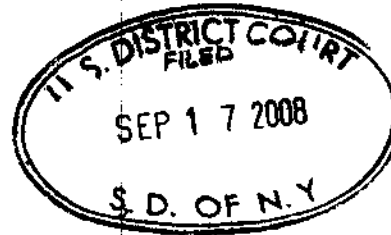
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RUBEN OCASIO,

Petitioner,

-against-

J.T. SMITH, Superintendent,
Shawangunk Correctional Facility,
Respondent.

-----X



07 **CIVIL** 2754 (BSJ)(AJP)

JUDGMENT

SCANNED

Whereas on January 8, 2008, the Honorable Andrew J. Peck, United States Magistrate Judge, having issued a report and recommendation ("report"), and the matter having come before the Honorable Barbara S. Jones, United States District Judge, and the Court, thereafter, on September 15, 2008, having rendered its Order adopting the report in its entirety and denying the petition in its entirety, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated September 15, 2008, the report is adopted in its entirety and the petition for a writ of habeas corpus is denied in its entirety; the Court does not issue a certificate of appealability.

DATED: New York, New York
September 17, 2008

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk.

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**